

Blue Ribbon Commission on Health Care Reform

January 10, 2008
8:00 a.m. – 4:00 p.m.

Mountain States Employment Council
1799 Pennsylvania Street, Denver, CO 80203

Meeting notes

Present:

Elisabeth Arenales	Clarke Becker
Carrie Besnette	Daniel Stenersen@ 9:20
Christy Blakely	Ralph Pollock
Peg Burnette	Arnold Salazar
Dave Downs, Jr.	Mark Simon
Steve ErkenBrack	Steven Summer
Lisa Esgar	Mark Wallace
Julia Greene	Joan Weber
Allan Jensen-via phone 8:30-8:45am	Lynn Westberg- via phone
Grant Jones	Barbara Yondorf
Bill Lindsay	

Staff: Anita Wesley, Sarah Schulte, Edie Sonn, Marta Oko-Riebau, Jana Mathieson

Welcome

Bill Lindsay welcomed everyone and called the meeting to order at 8:25 am. He reviewed the meeting agenda, noting that John Shiels from The Lewin Group will call in at 12:30 pm for a question and answer session.

Meeting Minutes

Amended minutes from the November 15th Commission meeting were distributed. Since the amendments were approved at the December 13th meeting, another vote was not taken. Minutes from the December 13th were approved with the following amendments:

- The richness of the discussion on pg 15-16 needs to include loss of benefits, cost sharing, etc. Elisabeth Arenales will provide suggested language to staff.

- Ms. Arenales disputed the vote count as recorded in the minutes regarding recommendation 26, asserting that four Commissioners voted against the motion to leave language as written in the draft presented at that meeting. Mr. ErkenBrack agreed with her recollection. They acknowledged that the revision would not change the outcome of the Commission decision, however Mr. Lindsay agreed to review his notes with staff and make sure the vote is recorded correctly.

January 31st presentation to General Assembly:

Mr. Lindsay noted that the chairs of the joint Health and Human Services committees will set the agenda for the Commission's presentation. He reported that he has been in communication with Representative McGihon and that the agenda is not yet finalized. The meeting begins at noon. It will possibly begin with a background presentation from National Conference of State Legislatures (NCSL). The Commission report would follow that presentation. There have been four hours allocated at this time with no specifics. Mr. Lindsay urged Commissioners to be there by noon to be sure to have a seat. He urged all Commissioners to attend if possible.

Following the Commission presentation, there will be an appreciation celebration for Commissioners, key authors of the proposals and Advisory Task Force members at the Governor's Mansion at 5:30 pm. Given the space limitations, Commissioners were asked to please coordinate with Commission staff if they would like to bring spouses or a guest.

Anita Wesley reviewed all materials in Commissioners' meeting packets and reported on final report production. She noted that Wednesday, January 16 is the deadline final revisions. Copies of the final report will be available for Commissioners on January 30th. Copies will be distributed to members of the General Assembly, Executive Branch offices and the media on January 31st.

Mr. Lindsay reported that the Operations committee discussed management of presentation requests and support materials. Given the length of the final report and the executive summary, Edie Sonn has been asked to develop a succinct summary brochure. Ms. Sonn reported that staff will produce 1,500 printed copies of the brochure for initial distribution with the release of the final report and that additional copies will be produced for wider distribution.

Review of the Report

Mr. Lindsay reminded Commissioners that no new items can be introduced at this point in the review and approval of the final report as the print deadline is nearly at hand. He suggested that the Commission focus on redlined items and Commissioner comments that were provided to staff in advance.

Mr. Lindsay distributed suggested language drafted to address the issue raised at the previous Commission meeting related to premium subsidies for workers who qualify for

public programs but who have access to employer sponsored insurance. Mr. ErkenBrack felt that there were some concerns about how to deal with this issue differently. Language was modified to highlight this as an issue that the legislature needs to be addressed. Ms. Arenales asserted that the language more fairly represents the complexity of the issue and significant fiscal and policy ramifications. She noted that there is substantial data on this issue, but acknowledged that the Commission did not have the time or resources to give it the appropriate depth of analysis or discussion to resolve.

Mark Simon stated that he had previously raised that issue and that it was discussed in proposals committee. Mr. Salazar agreed that the issue had been raised. He asserted that the Commission compromise was to not take a direct position on the issue of using public dollars for private insurance subsidies and the Commission had already voted on this issue. He asserted that a vote should be taken just as with previous Commission decisions on recommendations.

David Downs asserted that the discussion of the last two meetings honor the complexity of the issue. The language provided at the meeting recognizes the different perspectives that could not be resolved in the Commission's timeline. He expressed support for the language provided.

Motion 1: Report should be amended to reflect language distributed (see attachment A)?

Vote: 19 Yes 2 No 1 Abstain motion passes

Barb Yondorf noted that there has been confusion around the language describing recommendations related to guarantee issue as well as CoverColorado and asked that the issues be included in the discussion at the meeting.

Sarah Schulte and Ms. Sonn reviewed language revisions that had been agreed upon by the Commission, such as protecting vulnerable populations.

They noted that in Recommendation 23 it was noted that language regarding all HCBS be removed in the report in accordance with approved commission recommendations. The report should be amended to include consumer advocacy to include ombudsman specifically as noted in the December 13th meeting minutes.

Motion 2: Accept the noted changes and inclusions to the text of the final report?

Vote: 20 Yes 0 No 1 Abstain Motion passes.

Ms. Yondorf noted that language regarding guarantee issue was confusing and did not accurately reflect the hard fought compromise of the group. She reminded Commissioners that an individual would be eligible for the reconstituted CoverColorado program if they have a condition included in the list of conditions. These individuals could be denied in the individual market, but the restructured CoverColorado program would have to accept them. Part of the restructuring of the program would be limiting the rates to market rates and financing the program to keep premiums more affordable. Ms. Yondorf distributed suggested language to add to the report to more clearly reflect

the Commission's recommendations (see attachment B). Ms. Schulte clarified that the language distributed matches what was modeled.

Dr. Downs suggested adding language regarding anticipated cost savings due to reduced underwriting costs and improvements in quality of care due to adequate care coordination of conditions.

Erik Ammidown asked what happens to costs 5 years down the road if someone develops an illness, but they stay in individual market because of guaranteed issue? Ms. Yondorf explained that in the current market, rates are not automatically raised due to illness because rates are underwritten. She noted that people generally do not stay in the individual market very long as they become eligible for other types of insurance. Mr. Lindsay noted that accidents, illnesses, etc, are built into the rates. There is a balance between people coming in and getting older.

Ms. Schulte clarified that these recommendations only apply to people over 300% FPL. Those under 300% FPL will qualify for other programs and would not be required to pay more than 20% of the premium.

Motion 3: Accept the language as distributed related to guarantee issue and CoverColorado recommendations (see attachment B):

Vote: 20 Yes 1 No 0 Abstain motion passes

Ms. Yondorf offered additional copy edit suggestions to staff regarding consistent reference to percentages throughout the document and clarity in the source of coverage pie charts.

Ms. Arenales asked Commissioners to review the updated version of the legal issues section. Mr. ErkenBrack reminded Commissioners for the process for the development of this list of issues, noting that the purpose is issue identification. They acknowledged that the list is not comprehensive and that other issues may arise.

Mr. Simon asked for clarification on the issue related to CoverColorado. Ms. Arenales clarified that the intent was to frame the concern regarding the structure of moving people to Cover Colorado and whether it would be lawful under the Americans with Disabilities Act. Mr. Simon will provide information to Ms. Arenales regarding this area.

Steven Summer suggested that #4 should say Colorado "law" and Commissioners agreed. David Downs raised the value of taxonomy and noted that he did not see any formal proposals or recommendations. Mr. ErkenBrack asserted that the problem is that if you answer one question, where do you draw the line? There will be problems and disputes. We want to identify issues, but not have lawyers take over the discussion. Mr. Lindsay noted that the Commission wanted to acknowledge in the report that they recognize that there are legal issues.

Pam Nicholson requested that on page 48, the baseline in of current spending be included for comparison purposes? Commissioners agreed.

Mr. Simon asserted that the Executive Summary is a new addition and noted that he would like to add more to his dissenting opinion. Ms. Sonn noted that the Executive Summary was in the previous draft, however Commissioners agreed that Mr. Simon should have the opportunity to add to his dissent as long as the print deadline was met.

Public Comment:

Bart Windrum: Noted that he gave everyone his recently published book about the option to die in peace. He asserted that the big issue before us all is general health care access. His goal is to deal with costs as well. It is expensive and traumatic for people's families. Guidance is not given by the medical community. Extrinsic shock is the result. He noted that the health reform proposal he submitted to the Commission occurred to him mid-stream in the writing of the book. The key thing is to formalize an alternative pathway to die, access, resources. It is an elective, no one forced. He asserted that it is time to take a straight on look at dying in our country, state, and society.

Lynn Zinser: Expressed concern about the lack of specificity of list of conditions in the recommendations regarding Cover Colorado and guarantee issue. The Commission gives no indication and has avoided it. Asserted that the discussion is critical and expressed disappointment. Insurance companies could choose to simply leave the market in Colorado. In many states where guaranteed issue has been enacted, this has happened.

Motion: Approve the Final Report as amended today

Discussion:

Mark Wallace complimented Ms. Schulte and Ms. Sonn for their great report writing. Mr. Simon clarified that he wants the staff to understand that his "no" vote has nothing to do with them.

Vote: 21 Yes 1 N 0 Abstain Motion passes.

Lewin Report:

Various options regarding asking Mr. Shiels questions were reviewed. As there were no questions or concerns regarding their final technical report, it was agreed that Mr. Shiels would be notified that there was not a need to call in to the meeting.

Other Business:

A letter addressed to Senator Salazar detailing potential areas for federal action was distributed and discussed. Mr. ErkenBrack reported that the letter was drafted in response

to Senator Salazar's request at his meeting with Commissioners. The letter was drafted by Mr. ErkenBrack, Ms. Arenales, Ms. Yondorf and Donna Marshall. Mr. ErkenBrack acknowledged that there is some overlap with the legal issues section of the Commission's final report. Members discussed whether the letter should be addressed to the entire congressional delegation. They agreed that the letter will be sent to Senator Salazar, but that the letter will be customized and also shared with the full congressional delegation.

Ms. Arenales suggested that the example in #9 should be left out as the Commission did not discuss the particular example. Commissioners agreed. Members offered additional wording change and addition suggestions to the letter with discussion regarding the Medicaid payment wording and how need to reflect understanding that Medicaid cutbacks at the federal level have impacts on accessibility and coverage. Ms. Arenales noted that she had received feedback that the recommendation to have Medicaid buy in program might not be as meaningful as we had hoped. She noted that Mr. Simon has raised the issue of the catch 22 situation when people with disabilities go back to work but are impacted by definition of disability of related to the ability to work. Need to reflect this catch 22.

The Commissioners who drafted the letter agreed to work to incorporate the changes and work with staff to finalize and distribute to the congressional delegation.

Concluding comments:

Mr. Lindsay noted that we are almost at the end of our time together. He cited the Robert Frost poem, "I have promises to keep and miles to go before I sleep". Mr. Lindsay asserted that the conclusion of the work offers cause for celebration. At the beginning of this work, the Commission faced the potential challenges of having too many commissioners or being too diverse in terms of ideology. There was little money or time. However, Commissioners persevered, committing their time to the hours of reading, meetings, debate, discussions, emails, voicemails, our own leadership and structure and the challenges. Commissioners set aside personal ideologies, were open, fair, willing to listen, learn, and change.

Commissioners understood the magnitude of the charge given to us and the opportunity. Commissioners learned to respect one another and to listen better than before. Mr. Lindsay noted that "we didn't always agree but we improved."

Mr. Lindsay asserted that the delivery of the Commission's final report is not the end, but will serve as the beginning of the dialog. The report will stand the test of time and help policy makers in the future. There is no easy fix and people must remain committed to finding solutions.

Mr. Lindsay thanked members of the public for their attention and commitment to health care reform. Mr. Lindsay recognized staff and thanked them for their commitment and attitudes, commending them for serving as the glue that held the Commission together.

Mr. Wallace thanked Mr. Lindsay for his leadership as chair and for his tremendous commitment of time and energy to the Commission. He complimented Mr. Lindsay's willingness to be flexible and for his commitment to making sure that everyone had a voice at the table, noting "On behalf of the commission and the people in Colorado, we look good because of your leadership.

Additional Items:

Mr. Lindsay noted that open records law states that e-mails are all public property. He asked Commissioners to either retain them personally or burn them to a CD for personal retention or give the CD to staff for retention with the rest of the Commission files.

The meeting was adjourned at 10:45 AM.